



MIDWEST REGION FOUNDATION FOR FAIR CONTRACTING, INC.

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Control Number 1235-0008

Proposed Extension of the Approval of Information Collection Requirement that Contractors and Subcontractors on Federal and Federally Assisted Construction Subject to Davis-Bacon Labor Standards Submit Weekly Certified Payrolls in Accordance with the Copeland Act.

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Equity, Integrity, Justice



About the Midwest Region Foundation for Fair Contracting (MRFFC):

The Midwest Region Foundation for Fair Contracting represents the state of Illinois. Midwest Region Foundation for Fair Contracting mission statement is as follows:

“a not for profit organization acting to ensure that the best interests of the public at-large are met when awarding publicly funded construction projects. MRFFC does this by seeking the enforcement of all laws and regulations governing the construction industry... MRFFC works to ensure that Public Bodies enter into contracts with those who are most qualified: financially, technically, and ethically.”

Comments of Midwest Region Foundation for Fair Contracting regarding certified payroll requirements:

By way of public comment the MRFFC states, as to the importance of certified payrolls, requiring certified payrolls from contractors on federally-funded projects is an important element to ensure that employers are complying with federal Davis-Bacon prevailing wage standards.

In the past, one method of assuring compliance was to request from individual workers their pay statements in order to determine whether the wage and benefits on a particular project were properly paid. The weakness in this individual method of verification has been that only pay statements provided by workers willing and able to share pay stubs, were available. In contrast, a certified payroll system provides the investigator with a comprehensive overview of a contractual employer's activity on a federally-funded project. Certified payrolls allow regular review of an employer's activity, and particularly ensure that the proper adjustments are made if underpayment is occurring.

As a case in point, an Illinois construction company was recently found in violation of both child labor laws and Davis-Bacon Act provisions. This employer deducted excessive amounts from the employees' wages for health care costs, while providing cheaper major medical health care. The contractor was also inaccurately reporting hours and employees' on federally funded Davis-Bacon projects. The certified payroll became the mechanism for documenting these discrepancies and made it possible to assist the employees' to be properly reimbursed for their fair wages.

An additional strength of certified payroll reporting is that it removes any fear of retaliation from employees. An employee could be in fear for his or her job should he or she report a discrepancy to proper authorities, while the use of a certified payroll gives local and state governments, investigative agencies and others the opportunity to explore discrepancies and maintain vigilance without the threat of individual retaliation. Using certified payrolls gives the Davis-Bacon Act an added protection by providing a level of anonymity for the employees in question.

Finally, transparency in government and industry is an important tool to ensure all government contracts are completed appropriately and with full compliance to the laws. Certified payrolls add an additional level of transparency to ensure all government agencies and contractors have necessary records visible to the public, thus protecting the integrity of the process.

In conclusion, the MRFFC believes that the certified payroll requirements are a critical tool to ensure thorough and complete investigations, with every employee properly protected and free of retaliation. The USDOL should continue to require these very important protections for the worker and to support the integrity of the Davis-Bacon Act.